

**REMARKS****A. Status of the Claims and Explanation of the Amendments**

Of the five originally filed claims, claims 1-3 have been rejected and claims 4 and 5 have been withdrawn. Applicant has also added new claims 6-8. Support for these new claims can be found, for example, in Figures 2 and 3 and pages 4-6. When the new claims have been entered, claims 1-3 and 6-8 will be presented for examination.

Applicant has amended claim 1 to clarify the invention, especially with regards to the “consisting of” versus “comprising” language. Applicant respectfully submits that the claim language “comprising” is appropriate, given that original claims 2 and 3 add new structure, as noted by the Office Action. Claim 1 has also been amended to recite, *inter alia*, “at least one material with a self-adhesive surface skin”. Support for this amendment is found in Applicant’s specification [see, e.g., the paragraph bridging pages 4 and 5 of the specification].

Reconsideration and withdrawal of the Office Action’s objections and rejections under 35 U.S.C. §112 are respectfully requested.

Claim 1 has been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,383,570 to Sellew (“Sellew”). Claims 1-3 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,190,751 to Sylvester (“Sylvester”), in view of Sellew.

**B. Response to the Rejections Under 35 U.S.C. §102(b)**

Applicant respectfully traverses the rejection of claim 1 as allegedly being anticipated by Sellew.

Sellew is directed to a hydrocarbon-resistant, light pressure sealing gasket structure for quick sealing containers. This gasket is intended for use with caps to large cans,

such as five-gallon cans used for solvents, water, oil, or gasoline [see col. 1, lines 1-31]. The gasket may be poly-chloroprene, butadiene copolymerized with acrylonitrile, and other solvent resisting types of synthetic rubber [col. 2, lines 20-23].

Importantly, Sellew does not appear to teach, disclose, or suggest “a sheet of flexible material” that contains “at least one material with a self-adhesive surface skin”, as recited in Applicant’s claim 1. Additionally, notwithstanding the Office Action’s assertions to the contrary, it does not appear to Applicant that Sellew even teaches a material with a skin.<sup>1</sup>

For at least these reasons, Applicant respectfully asserts that there Sellew does not anticipate Applicant’s claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

C. Response to Rejection under 35 U.S.C. §103(a)

In rejecting claims 1-3 under 35 U.S.C. §103(a), the Office Action attempts to combine Sylvester and Sellew. However, the rejection appears to be based on impermissible hindsight reasoning.

Sylvester is directed to a self-adhesive foam gasket. The self-adhesive foam gasket appears to be intended for automotive applications, such as sealing around the dashboard [col. 1, lines 10-62]. In contrast, Sellew is directed to gaskets for use in large liquid containers, such as those for holding liquids, including solvents which can corrode natural rubber gaskets.

The Office Action has provided no motivation for why one in the automotive industry would look to the solvent container art for a way to modify a gasket. Accordingly, it appears that the rejection is based on impermissible hindsight reasoning. *See In re Oetiker* 977,

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<sup>1</sup> If the Examiner maintains this rejection, Applicant respectfully requests Examiner to specifically point out where in Sellew there is a teaching of a “skin”.

F2d. 1443, 24 USPQ2d 1443 (Fed Cir. 1992). In *In re Oetiker*, the court rejected the Examiner's argument that all hooking problems are analogous and that it was permissible to search the art for hook and eye fasteners in garments for a suggestion to modify a hook for use with a hose clamp". The court held that the reference was not within the Applicant's field of endeavor. See also MPEP §2141.01(a). It appears to Applicant that similar arguments apply to the proposed combination of Sylvester and Sellew.

For at least this reason, Applicant respectfully asserts that the rejection of claims 1-3 under 35 U.S.C. §103(a) should be withdrawn. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

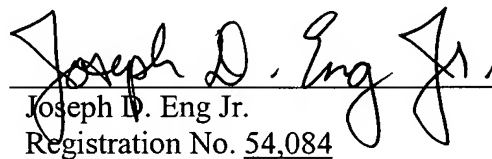
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1948-4821. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1948-4821. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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Dated: November 28, 2005

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